

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|---|---|------------------------|
| Maurice Wyman Scott, Sr., a/k/a |) | |
| Maurice Scott, |) | C/A No.: 3:06-2290-MBS |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| South Carolina Department of Probation, |) | O R D E R |
| Parole, and Pardon Services (SCDPPPS); |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

Plaintiff Maurice Wyman Scott, Sr. Brings this action against the South Carolina Department of Probation, Parole, and Pardon Services (SCDPPPS), asserting that his rights have been violated in various respects.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. The Magistrate Judge reviewed the complaint in accordance with the procedural provisions of 28 U.S.C. § 1915. On August 18, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that the case be summarily dismissed because, pursuant to the Eleventh Amendment, SCDPPPS is immune from suit in federal court. Plaintiff filed objections to the Report and Recommendation on August 24, 2006. In addition, Plaintiff submitted a proposed complaint naming individuals he asserts are employed by SCDPPPS.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff's objections essentially reiterate the allegations of his complaint and do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. The court need not conduct a de novo review when a party makes only general and conclusory objections. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). Nevertheless, the court has thoroughly reviewed the record and concurs in the Report and Recommendation of the Magistrate Judge. The court incorporates the Report and Recommendation by reference. The case is summarily dismissed without prejudice and without issuance and service of process because, under the Eleventh Amendment, SCDPPPS is immune from suit in federal court.

Plaintiff is directed to file his proposed amended complaint (Entry 7 - Attachment) as a new civil action to be handled separately, should he desire to do so.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

October 18, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.